

367.900 Definitions.

As used in KRS 367.905 to 367.930, unless the context requires otherwise:

- (1) "Health spa" means an establishment, except those defined as nonprofit organizations under 26 U.S.C. sec. 509(a), which provides for profit as one of its primary purposes, services or facilities which purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The term includes establishments that offer access to any of the following facilities: gymnasiums, swimming pools, tracks, ball courts, weight lifting equipment, exercise equipment or facilities, saunas, steambaths, or whirlpools. It does not include establishments that limit their services primarily to diet counseling and the provision of special dietary foods.
- (2) "Contract" means an oral or written agreement by which one becomes a member of a health spa.
- (3) "Member" means a status attained by any natural person entitling him to the services or facilities of a health spa.
- (4) "Seller" means the person, corporation, partnership, association, or group engaged in the operation of a health spa as defined in this section, and who offers for sale the right to use the facilities or the services of the health spa.
- (5) "Facilities" means equipment, physical structures, and other tangible property utilized by a health spa to conduct its business. The term includes, but is not limited to, saunas, whirlpool baths, gymnasiums, running tracks, swimming pools, shower areas, and exercise equipment.
- (6) "Services" means programs, plans, guidance, or instruction provided by a health spa for health spa members. The term includes, but is not limited to diet planning, exercise instruction, exercise programs, and instructional classes.
- (7) "Prepayment" means any payment for services or the use of facilities made before the services or facilities are made available by the health spa. It is not a prepayment if a payment for services or the use of facilities is made on the same day the services or use of the facilities is provided. Money or other consideration received by a health spa from a financial institution upon the assignment or sale of a contract shall be considered a prepayment to the extent the member is required to make prepayments to the financial institution pursuant to the contract.
- (8) "Special offer or discount" means any offer of health spa services or the use of health spa facilities at a reduced price or without charge to the member or prospective member.
- (9) "Contract price" means the total consideration paid by a member pursuant to a contract, including, but not limited to the following:
 - (a) Any nonrecurring fee charged at, or near, the beginning of a health spa membership or renewal period;
 - (b) All monthly fees required by the contract;
 - (c) All finance charges, time-price differentials, interest, and other similar fees and charges; and

- (d) All charges for equipment or locker rental, credit check, financial, medical and dietary evaluation, class and training fees.
- (10) "Contract term" means the total period of health spa use allowed by a member's contract, including months or time periods that are called "free" or "bonus," or that are described in any other terms suggesting that they are provided free of charge.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 367, sec. 5, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 298, sec. 1, effective July 15, 1982.